

Dated: February 13, 2020

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## NATURE AND STAGE OF THE PROCEEDINGS

Defendants SPX Corporation, SPX Flow, Inc., and SPX Flow US, LLC, (collectively, “SPX”) request \$128,829.00 in attorneys’ fees and \$12,340.29 in costs from Plaintiff Mixing & Mass Transfer Technologies, LLC, (“M2T”), as well as an order that SPX must pay the costs of filing this motion for attorneys’ fees.

SPX moved to dismiss M2T’s Complaint on April 9, 2019. (D.I. 12.) The Court granted SPX’s motion in part, dismissing Count 1 and Count 5, on January 17, 2020. (1/17/2020 Hearing Tr. at 19.) On January 30, 2020, M2T voluntarily dismissed its remaining claims. (D.I. 30.)

## SUMMARY OF ARGUMENT

A party may recover attorneys’ fees when authorized either by statute or contract. Here, SPX may recover under both. In 2007, SPX and M2T entered into a settlement agreement (“2007 Settlement Agreement”) to resolve a prior litigation. M2T’s Complaint in this action revived the same factual allegations and [REDACTED]

[REDACTED] After the Court dismissed M2T’s two primary claims, M2T voluntarily dismissed its Complaint.

The 2007 Settlement Agreement allows SPX [REDACTED] [REDACTED] which it was required to do here. Also, M2T bringing explicitly precluded claims renders this an exceptional case under 35 U.S.C. § 285, which allows SPX to recover its attorneys’ fees expended in defending the case.

## FACTS

The 2007 Settlement Agreement resolved a prior litigation that, like this one, addressed the extent to which SPX’s A245 practiced M2T’s intellectual property. Thus, the 2007 Settlement Agreement [REDACTED]

[REDACTED] Specifically, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (Ex. 1, Settlement Agreement, ¶ 4.1.) That included “[REDACTED]

[REDACTED]

[REDACTED] (Id.) The [REDACTED] “[REDACTED]

[REDACTED]” such as “[REDACTED]

[REDACTED] “[REDACTED] “[REDACTED]

[REDACTED] (Id.) Also, [REDACTED] “[REDACTED]

[REDACTED]

[REDACTED]”

(Id.)

[REDACTED] M2T brought this action which repeated the central allegations in the prior lawsuit—that SPX misappropriated M2T’s intellectual property when M2T tested its new impeller design at SPX’s facilities in 2002—and asserted claims [REDACTED] (D.I. 1, ¶¶ 36, 51-53, 61). M2T alleged that SPX’s A245 impeller infringed M2T’s U.S. Patent No. 6,877,959 (Count 1); that SPX committed unfair trade competition under the Lanham Act, false advertising and false designation of origin under the Lanham Act, and common law unfair competition by obtaining the ’844 Patent with M2T’s proprietary information, and by representing that SPX had the right to use M2T’s intellectual property (Counts 2 through 4); that the Court should issue a declaratory judgment invalidating the ’844 Patent (Count 5); and a claim for unjust enrichment (Count 6).

SPX moved to dismiss M2T’s Complaint on the grounds that its claims [REDACTED]

[REDACTED] (D.I. 12.) The Court heard argument on SPX’s motion on

January 17, 2020, and dismissed Count 1 and Count 5. (1/17/2020 Hearing Tr. at 25-26.) The Court found that the 2007 Settlement Agreement [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Also, at oral argument, SPX’s counsel conceded that [REDACTED]

(1/17/2020 Hearing Tr. at 19.) Thus, the Court dismissed Count 1 and Count 5.

The Court found that it could not dismiss M2T’s unfair competition and unjust enrichment claims at the motion to dismiss stage because additional facts were required to determine whether those claims fell under the release. But less than two weeks later, after M2T failed to extract a nuisance settlement from SPX, M2T voluntarily dismissed its remaining claims. (D.I. 30.)

## **ARGUMENT**

### **I. LEGAL STANDARD**

The Court retains jurisdiction of a case after entering judgement to resolve related issues, such as a motion for attorneys’ fees. *See, e.g., Altair Logix LLC v. Caterpillar Inc.*, No. 18-2057 (MN), 2019 WL 3219485, at \*3 (D. Del. July 17, 2019). A party may recover attorneys’ fees “where a statute or contractual provision expressly provides for attorneys’ fees.” *Chase Manhattan Bank v. Iridium Africa Corp.*, 474 F. Supp. 2d 613, 617 (D. Del. 2007); *see also Sch. Dist. of City of York v. Allison*, 406 A.2d 1196, 1197–98 (Pa. Cmmw. 1979) (attorneys’ fees are recoverable where “a statute or enforceable contract provid[es] for their recovery”). Here, SPX may recover attorneys’ fees both [REDACTED] and under 35 U.S.C. § 285, which allows a prevailing party to recover attorneys’ fees when the Court determines the action is “an exceptional case.”

## II. THE 2007 SETTLEMENT AGREEMENT [REDACTED]

SPX is entitled to recover its attorneys' fees under [REDACTED]

[REDACTED] Ex. 1, ¶ 13.<sup>1</sup> Under Pennsylvania law, [REDACTED]

[REDACTED] SPX may also recover the attorneys' fees it incurs in obtaining the attorneys' fees award. *Cortes v. Cortes*, 1413 WDA 2016, 2017 WL 2258994, at \*3 (Pa. Super. May 23, 2017) ("It is well-settled, however, that fees on fees is permitted in this Commonwealth.").

### A. SPX Was the Prevailing Party In the Lawsuit.

SPX is the prevailing party in this action. SPX prevailed on Count 1 and Count 5 because a party granted a motion to dismiss is the prevailing party. *See Heard v. St. Luke's Hosp.*, CIV. A. 08-5494, 2010 WL 2569233, at \*1 (E.D. Pa. June 21, 2010) (finding party that prevailed on motion to dismiss to be the prevailing party). SPX also prevailed on Counts 2, 3, 4, and 6 when M2T voluntarily dismissed its remaining claims. A plaintiff cannot voluntarily dismiss improper claims to avoid an award of sanctions or attorneys' fees. *See Koppel v. Case*, No. GD03-024486, 2007 WL 5160526 (Pa. Com. Pl. Nov. 20, 2007).

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<sup>1</sup> Legal proceedings are "[t]he regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of judgement [and] any procedural means for seeking redress from a tribunal or agency." Black's Law Dictionary, 1398 (10th ed. 2014). Thus, M2T requiring SPX engage in litigation proceedings, including initiating a motion to dismiss [REDACTED]



## **B. SPX's Attorneys' Fees Are Reasonable**

The Pennsylvania Supreme Court has held that any fee-shifting contractual provision includes an implied requirement that the fees be reasonable. *McMullen v. Kutz*, 985 A.2d 769, 776 (Pa. 2009). In determining whether the incurred fees are reasonable, a court may look to the following factors:

- the amount of work performed;
- the character of the services rendered;
- the difficulty of the problems involved;
- the importance of the litigation;
- the amount of money or value of the property in question;
- the degree of responsibility incurred;
- the professional skill and standing of the attorney in his profession; and
- the results he was able to obtain.

*In re LaRocca's Trust Estate*, 246 A.2d 337, 339 (Pa. 1968). The trial court has great discretion in weighing those factors: “as long as the trial court reviews the record and considers factors such as the nature and length of the litigation, the responsibilities of the parties in affecting the nature and length of the litigation, and the competitiveness of the rate and time expended, it is difficult for an appellate court to hold that a trial court abused its discretion in issuing a particular award of attorney's fees.” *Shared Commun. Services of ESR, Inc. v. WHTR Real Est. LP*, No. 92 EDA 2016, 2017 WL 1372777, at \*6 (Pa. Super. Apr. 13, 2017) (quoting *Arches Condominium Ass'n v. Robinson*, 131 A.3d 122, 132–133 (Pa. Cmwlth. 2015)).

SPX's attorneys' fees were reasonable. SPX retained BakerHostetler, who had represented SPX in the prior litigation with M2T, so BakerHostetler did not have to expend time

learning the facts of the prior case. (Ex. 2, Declaration of Kenneth Sheehan, sworn to February 13, 2020 (“Sheehan Decl.”), at ¶ 4.) SPX’s counsel also disposed of the case efficiently. SPX prevailed on a motion to dismiss and thus avoided engaging in costly discovery. As described in the attached affidavit of Kenneth Sheehan, BakerHostetler staffed the case efficiently, primarily using only two attorneys, and a junior associate to assist with discrete research issues. (*Id.* at ¶¶ 4-7.) Also, the Sheehan declaration includes a spreadsheet breaking down the time billed by task. (Sheehan Decl., Ex. A.) Based on counsel’s long experience in litigating similar cases, the time expended on each of these tasks is reasonable. (Sheehan Decl. at ¶¶ 9-11.)

The billing rates SPX paid are also reasonable. BakerHostetler is a national law firm whose hourly rates are consistent with, or slightly lower than, other firms of comparable size and expertise. (*Id.* at ¶ 3.) Also, as described in more detail below, BakerHostetler’s rates are consistent with the Community Legal Services of Philadelphia rate schedule, which the Third Circuit uses as a benchmark for determining whether an hourly rate is reasonable.

### **III. M2T’S PATENT COUNTS PRESENTED WERE AN EXCEPTIONAL CASE UNDER 35 U.S.C. § 285 BECAUSE [REDACTED]**

Section 285 of the Patent Act provides that “[t]he court in exceptional cases may award reasonable attorney fees to the prevailing party.” 35 U.S.C. § 285. The Supreme Court has held that “an ‘exceptional’ case is simply one that stands out from others with respect to the substantive strength of a party’s litigating position (considering both the governing law and the facts of the case) or the unreasonable manner in which the case was litigated.” *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545, 552 (2014). District courts may determine whether a case is ‘exceptional’ in the case- by-case exercise of their discretion, considering the totality of the circumstances.” *Id.*



**A. SPX Was the Prevailing Party**

To be the prevailing party under Section 285, the Federal Circuit requires: “(1) that the party received at least some relief on the merits, and (2) that relief must materially alter the legal relationship between the parties by modifying one party’s behavior in a way that directly benefits the opposing party.” *SSL Services, LLC v. Citrix Systems, Inc.*, 769 F.3d 1073, 1086 (Fed. Cir. 2014).

SPX prevailed in the case because Count 1 and Count 5 were dismissed, and the remaining counts were withdrawn, eliminating any realistic threat that M2T would continue to assert infringement claims directed at the A245 impeller. A dismissal without prejudice under Rule 12(b)(6) can confer prevailing party status on SPX. *See Giesecke & Devrient GmbH v. U.S.*, 17-1812C, 2020 WL 401806, at \*9 (Fed. Cl. Jan. 24, 2020). Similarly, voluntary dismissal without prejudice of a plaintiff’s claim can render the defendant a prevailing party. *See In re Paoli R.R. Yard PCB Litig.*, 221 F.3d 449, 471 (3d Cir. 2000), as amended (Sept. 15, 2000) (“This argument runs contrary to the majority rule that defendants can be ‘prevailing parties’ when a plaintiff voluntarily dismisses his action without prejudice.”).

**B. This case is exceptional**

M2T’s case was exceptional. M2T’s patent counts were objectively baseless because they asserted causes of action that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]”

(Ex. B, Settlement Agreement, ¶ 4.1.) Nevertheless, M2T brought a claim alleging that the A245

infringed M2T’s ’959 Patent. As the Court held, the ’959 Patent [REDACTED]

[REDACTED]

Similarly, [REDACTED]

[REDACTED] M2T nevertheless brought a claim for a declaratory judgment that the '844 Patent is invalid because it incorporated M2T's technology. M2T did not try to defend that claim at oral argument: "We concede that that claim should not move forward." (1/17/20 Hearing Tr. at 19.)

These claims [REDACTED] and constitute an exceptional case. Failure to comply with a settlement agreement can constitute an exceptional case under Section 285. *See Interspiro USA, Inc. v. Figgie Intern. Inc.*, 18 F.3d 927, 933 (Fed. Cir. 1994); *Fitness IQ, LLC v. TV Products USA, Inc.*, No. 10-2584 WMC, 2012 WL 13175920, at \*6 (S.D. Cal. Sept. 14, 2012). Similarly, bringing a claim that is clearly precluded will constitute an exceptional case. *See Unitronics (1989) (R''G) Ltd. v. Gharb*, 85 F. Supp. 3d 147 (2015) (finding exceptional case where plaintiff brought claims that were clearly barred by a prior court order).

Finally, had the case proceeded, SPX would have presented the facts sought by the Court at the 12(b)((6) stage that show that M2T's remaining unfair competition and unjust enrichment [REDACTED] Although this effort was forestalled by M2T's voluntary dismissal of those claims, this was only after SPX incurred fees and costs addressing those claims.

### **C. The Fees SPX Incurred Were Reasonable**

The Court similarly wields great discretion under Section 285 in determining a reasonable attorneys' fees award. *Bywaters v. United States*, 670 F.3d 1221, 1228 (Fed. Cir. 2012). The Third Circuit adopted the "lodestar" approach to calculate reasonable attorneys' fees granted pursuant to statutes. Under that method, the Court multiplies the amount of counsel's

time reasonably expended by a reasonable hourly rate. *McKnatt v. Delaware*, 369 F. Supp. 2d 521, 524 (D. Del. 2004).

In calculating the reasonable rate, the starting point is the attorneys' billing rate relative to the prevailing market rates for attorneys with comparable skill, experience, and reputation in the geographic area. *Rayna P. v. Campus Community Sch.*, 390 F. Supp. 3d 556, 564 (D. Del. 2019). The Third Circuit compares the requested rates to the Community Legal Services of Philadelphia rate schedule to evaluate reasonableness. *Id.*

<b>Experience</b>	<b>Rate Range</b>
Attorneys post-law school experience under 2 years	\$200-220
Attorneys 2-5 year's experience	\$230-275
Attorneys 6-10 year's experience	\$280-360
Attorneys 11-15 year's experience	\$375-450
Attorneys 16-20 year's experience	\$475-530
Attorneys 21-25 year's experience	\$550-640
Attorneys more than 25 year's experience	\$650-700
Law Students	\$110-160
Paralegal I and II	\$160-200
Senior and Supervisory Paralegal	\$205-230

The rates for BakerHostetler attorneys billing on this case are generally consistent with these rates. (Sheehan Decl., at ¶¶ 5-7.) Ken Sheehan, a patent attorney with more than 25 years' experience, billed at \$750 per hour, which is slightly higher than the rate schedule range. (*Id.* at ¶ 5.) Mr. Sheehan, however, is a member of the patent bar which usually commands a premium rate. (*Id.*) Similarly, Sun Yup Lee is a member of the patent bar with four years' experience and billed at \$325 an hour, which is only slightly above the rate schedule. (*Id.* at ¶ 7.) Allison



Cheperdak, a former BakerHostetler associate, had two years' experience, and assisted with legal research. Ms. Cheperdak's hourly rate was \$350, which is above the range but consistent with other firms of similar size and reputation. (*Id.*) William DeVinney, who has 22 years' experience, billed at \$520 an hour, which is under the range. (*Id.* at ¶ 6.)

Regarding hours, the Court will exclude hours it deems excessive, redundant, or otherwise unnecessary. *Washington v. Phila. Cty. Ct. Com. Pleas*, 89 F.3d 1031, 1037 (3d Cir. 1996). The attached declaration of Ken Sheehan includes a printout of a spreadsheet that includes a breakdown of the hours spent by task. (Sheehan Decl., Ex. A.) Mr. Sheehan reviewed the spreadsheet and to ensure that there were not any hours or charges that he deemed excessive, redundant, or otherwise unnecessary. (Sheehan Decl., at ¶ 11.)

### CONCLUSION

M2T blatantly revived a prior lawsuit to try to assert claims that were [REDACTED]. Both [REDACTED] and the patent laws allow SPX to recover the attorneys' fees it expended in defending this action. Thus, SPX requests an order requiring M2T to pay \$128,829.00 in attorneys' fees and \$12,340.29 in costs as well as an order that SPX must pay the costs of filing this motion for attorneys' fees.

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Dated: February 13, 2020

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**CERTIFICATE OF SERVICE**

I, John W. Shaw, hereby certify that on February 13, 2020, this document was served on the persons listed below in the manner indicated:

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# Exhibit 1



[Entire Exhibit  
Redacted]

# Exhibit 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MIXING & MASS TRANSFER  
TECHNOLOGIES, LLC,

Plaintiff,

v.

SPX CORPORATION, SPX FLOW,  
INC., SPX FLOW US, LLC, AND  
DOES I THROUGH X

Defendants.

Civil Action No. 19-529-MN

**DECLARATION OF KENNETH SHEEHAN**

1. I am a partner at BakerHostetler where I serve as the chair of the Washington, D.C., Intellectual Property practice. I am a registered patent lawyer and have been practicing for over 28 years.

2. I served as the lead attorney representing Defendants SPX Corporation, SPX Flow, Inc., and SPX Flow US, LLC, (collectively, "SPX") in this matter. Subject to the client's approval, I was responsible for staffing and strategic decisions in this case.

3. BakerHostetler is a national law firm that serves clients across the country. To attract and retain clients, I must be aware how BakerHostetler's hourly rates compare with other national law firms. Based on my experience, BakerHostetler's hourly rates are generally comparable to, or slightly lower than, other firms of similar size and reputation.

4. I staffed this case leanly and tried to preserve the client's resources because I believed that M2T's claims were barred by a settlement agreement resolving a prior litigation (the "2007 Settlement Agreement"). BakerHostetler represented SPX in the prior lawsuit filed by

M2T, so I was aware that the case concluded with a settlement agreement that contained a broad release. I did not want the client to incur significant fees when I believed that the case would be resolved at the motion to dismiss stage.

5. I served as lead counsel and mostly performed a supervisory role. I also prepared for and argued the motion to dismiss. I have over 28 years' experience and my hourly rate was \$695 for 2019, and \$750 for 2020. Based on my experience, this rate is reasonable and consistent with rates charged for registered patent attorneys at other firms of similar size and reputation. Registered patent attorneys generally command a slightly higher rate than attorneys with comparable experience in other practice areas.

6. William DeVinney is Counsel at BakerHostetler and has 22 years' experience. Mr. DeVinney is not a registered patent attorney but has patent litigation experience. Mr. DeVinney took the lead role in drafting the motion to dismiss and other filings. Mr. DeVinney's hourly rate was \$520 for 2019 and 2020. Based on my experience, this rate is reasonable and consistent with rates charged by other firms of similar size and reputation.

7. Sun Yup Lee, a registered patent attorney, is an Associate at BakerHostetler with 3 years' experience. Mr. Lee's hourly rate was \$325 for 2020 (he did not bill time to this case in 2019). A former BakerHostetler associate, Allison Cheperdak, had two years' experience, and assisted with legal research. Ms. Cheperdak's hourly rate was \$350. Based on my experience, these rates are reasonable and consistent with rates charged by other firms of similar size and reputation.

8. I asked BakerHostetler's accounting department to prepare a spreadsheet containing all fees and costs billed to this case. After receiving that spreadsheet, I reviewed each

time entry and removed any entry that I thought exceed the time normally spent on the identified task. I also eliminated any entry that might constitute duplicative work.

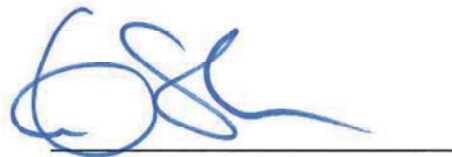
9. After reviewing the time entries, I allocated each time entry to one of several different tasks, such as the initial investigation or the motion to dismiss. I then reviewed the entries for each task to determine whether the time billed for each task was reasonable.

10. I also reviewed all of the costs allocated to this matter. If there were any costs I deemed excessive, I removed them.

11. A printout of the spreadsheet is attached as attached as Exhibit A to my declaration. Based on my 28 years' experience litigating patent and intellectual property cases, all of the fees and costs included on that spreadsheet are reasonable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: February 13, 2020



Kenneth Sheehan

# Exhibit A



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Total

Work Date	Timekeeper Name	WIP Hours	WIP Rate	WIP Amount	Narrative
3/12/2019	Sheehan, Kenneth J.	1.90	695.00	1,320.50	Review email and pull copy of settlement agreement with MMT. Contact T. Manha regarding inquiry from M. Preston relating to McWhirter patents.
3/13/2019	Sheehan, Kenneth J.	0.70	695.00	486.50	Contact B. Gigas regarding McWhirter patents and arranging call with T. Manha to discuss.
3/19/2019	Sheehan, Kenneth J.	2.40	695.00	1,668.00	Call with K. Clement and T. Manha regarding MMT complaint and possible 12(b)(6) motion. Study complaint and review documents from prior litigation. Prepare email to K. Clement and T. Manha regarding strategy.
3/21/2019	Sheehan, Kenneth J.	2.80	695.00	1,946.00	Call with B. Gigas and T. Manha regarding MMT Complaint and investigation of facts relating to allegations in complaint. Research regarding enforceability of future release language in settlement agreement under Pennsylvania law and trigger for attorneys fees provision. Discussion with W. DeVinney regarding 12(b)(6) motion.
3/21/2019	DeVinney, William T.	2.20	520.00	1,144.00	Review and analyze current M2T Complaint against SPX and settlement agreement from prior action; confer with Mr. Sheehan regarding case strategy and potential grounds for motions to dismiss.
3/22/2019	Sheehan, Kenneth J.	1.80	695.00	1,251.00	Call with K. Clement and T. Manha regarding strategy for response to Complaint by MMT. Discussion with W. DeVinney regarding 12(b)(6) motion.
3/22/2019	DeVinney, William T.	1.20	520.00	624.00	Research and outline potential grounds for motion to dismiss M2T complaint; review and analyze pleadings from prior case.
3/25/2019	Sheehan, Kenneth J.	1.70	695.00	1,181.50	Review and edit draft litigation hold letter and forward to K. Clement. Discussion with W. DeVinney regarding Rule 12()(6) motion.
3/25/2019	DeVinney, William T.	5.50	520.00	2,860.00	Confer with Mr. Sheehan and Mr. Cheong regarding M2T complaint; research and draft motion to dismiss complaint.
3/26/2019	DeVinney, William T.	6.20	520.00	3,224.00	Research Pennsylvania law regarding contract and settlement agreements; draft fact section of motion to dismiss; outline, and draft argument section regarding motion to dismiss M2T complaint.
3/27/2019	DeVinney, William T.	3.30	520.00	1,716.00	Research, outline, and draft arguments that M2T's claims are precluded by prior settlement agreement.
3/28/2019	DeVinney, William T.	1.20	520.00	624.00	Research, outline, and draft motion to dismiss M2T Complaint.
3/29/2019	Sheehan, Kenneth J.	1.40	695.00	973.00	Meet with W. DeVinney to discuss draft 12(b)(6) motion. Contact local Delaware counsel to coordinate regarding deadline for filing 12(b)(6) motion.
3/29/2019	DeVinney, William T.	4.30	520.00	2,236.00	Research, outline, and draft arguments that M2T's claims are barred by previous settlement agreement; research, outline, and draft arguments that SPX is entitled to attorneys' fees.
3/30/2019	DeVinney, William T.	4.60	520.00	2,392.00	Draft motion to dismiss M2T complaint.
3/31/2019	DeVinney, William T.	2.30	520.00	1,196.00	Draft motion to dismiss M2T's complaint.



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Total

4/1/2019	DeVinney, William T.	7.20	520.00	3,744.00	Draft and edit motion to dismiss.
4/1/2019	Chepardak, Alison M.	3.50	350.00	1,225.00	Research Third Circuit and Delaware state court rulings regarding 12(b)(6) motions to dismiss in which courts considered materials incorporated by reference in pleadings and/or judicially noticed information.
4/1/2019	Chepardak, Alison M.	1.00	350.00	350.00	Research Third Circuit and Delaware state court rulings regarding attorneys' fees payment provisions in settlement disputes.
4/2/2019	Sheehan, Kenneth J.	1.30	695.00	903.50	Review and edit draft 12(b)(6) motion.
4/2/2019	DeVinney, William T.	6.10	520.00	3,172.00	Draft and edit motion to dismiss.
4/3/2019	Sheehan, Kenneth J.	0.60	695.00	417.00	Further review and edit of draft 12(b)(6) motion and forward to K. Clement and T. Manha for review and comment. Review question from local counsel and prepare response.
4/4/2019	Sheehan, Kenneth J.	0.40	695.00	278.00	Review comments to brief provided by local counsel and discuss with W. DeVinney.
4/5/2019	Sheehan, Kenneth J.	1.40	695.00	973.00	Further edits to 12(b)(6) motion.
4/8/2019	Sheehan, Kenneth J.	1.60	695.00	1,112.00	Review and consider edits to 12(b)(6) motion provided by K. Clement and discuss with W. DeVinney.
4/15/2019	Sheehan, Kenneth J.	0.30	695.00	208.50	Review and edit redacted version of brief for filing.
5/3/2019	Sheehan, Kenneth J.	1.40	695.00	973.00	Review Answering Brief filed by MMT.
5/3/2019	DeVinney, William T.	1.30	520.00	676.00	Review and analyze opposition to motion to dismiss.
5/4/2019	DeVinney, William T.	1.80	520.00	936.00	Review and analyze MMT's brief in opposition to SPX's motion to dismiss; outline reply brief in support of motion to dismiss.
5/6/2019	DeVinney, William T.	6.20	520.00	3,224.00	Review and analyze cases cited and arguments made by MMT in its opposition to motion to dismiss; outline reply brief in support of SPX's motion to dismiss; begin drafting reply in support of motion to dismiss.
5/7/2019	DeVinney, William T.	5.90	520.00	3,068.00	Confer with Ms. Cheperdak about research for reply in support of SPX's motion to dismiss.
5/7/2019	Chepardak, Alison M.	3.50	350.00	1,225.00	Research patent cases discussing releases and covenants not to sue
5/7/2019	Chepardak, Alison M.	2.80	350.00	980.00	Research patent cases regarding incorporation by reference.
5/8/2019	Sheehan, Kenneth J.	2.60	695.00	1,807.00	Review and edit draft Reply brief and discuss with W. DeVinney.
5/8/2019	DeVinney, William T.	7.30	520.00	3,796.00	Research, draft, and edit reply in support of SPX motion to dismiss.
5/9/2019	DeVinney, William T.	5.80	520.00	3,016.00	Draft and edit reply in support of SPX's motion to dismiss; prepare motion for filing.
5/10/2019	Sheehan, Kenneth J.	1.20	695.00	834.00	Review and edit draft Reply brief. Review comments from K. Clement and discuss with W. DeVinney.
5/10/2019	DeVinney, William T.	2.60	520.00	1,352.00	Conduct final proof and edit of reply brief in support of motion to dismiss; oversee filing of reply brief in support of motion to dismiss.
5/17/2019	Sheehan, Kenneth J.	1.40	695.00	973.00	Review redactions to Reply brief. Confer with W. DeVinney regarding request for oral argument.



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Total

9/4/2019	Sheehan, Kenneth J.	0.50	750.00	375.00	Review letter from McWhirter counsel responding to request for more detail regarding alleged false statements about McWhirter and forward to K. Clement.
9/17/2019	Sheehan, Kenneth J.	0.40	750.00	300.00	Prepare email to K. Clement regarding response to MMT counsel.
9/18/2019	Sheehan, Kenneth J.	0.30	750.00	225.00	Prepare and send response letter to MMT counsel regarding allegations of false statements by Lighnin to Miami-Dade county officials.
9/20/2019	Sheehan, Kenneth J.	1.60	750.00	1,200.00	Review communication from local counsel regarding MMT request for scheduling Rule 26(f) conference. Review decisions from Delaware court regarding proceeding with discovery while Rule 12 motion is pending. Email K. Clement regarding MMT's request for scheduling of Rule 26(f) conference.
9/24/2019	Sheehan, Kenneth J.	0.80	750.00	600.00	Review email from K. Clement regarding MMT request for Rule 26(f) conference and confer with local counsel regarding same. Contact MMT counsel regarding Rule 26(f) conference.
9/30/2019	Sheehan, Kenneth J.	0.30	750.00	225.00	Confirm availability for Rule 26(f) conference with local counsel and confirm availability to MMT counsel.
10/7/2019	DeVinney, William T.	2.20	520.00	1,144.00	Research requirements to participate in pretrial conference before Court issues Rule 16 order.
10/9/2019	Sheehan, Kenneth J.	0.40	750.00	300.00	Communicate with MMT counsel regarding Rule 26 conference scheduling. Email K. Clement with update.
10/9/2019	DeVinney, William T.	1.10	520.00	572.00	Meet with Mr. Sheehan to prepare for Rule 26 conference; participate in Rule 26 conference.
10/15/2019	Sheehan, Kenneth J.	2.40	750.00	1,800.00	Review revised draft schedule provided by MMT counsel. Contact local counsel regarding revised schedule. Check court docket for estimate on time for ruling on motion.
10/15/2019	DeVinney, William T.	3.10	520.00	1,612.00	Research and draft motion to stay while motion to dismiss is pending.
10/16/2019	DeVinney, William T.	3.40	520.00	1,768.00	Research and draft motion to stay while motion to dismiss is pending.
10/17/2019	Sheehan, Kenneth J.	1.00	750.00	750.00	Participate in initial Rule 26(f) conference.
10/17/2019	DeVinney, William T.	3.70	520.00	1,924.00	Research and draft motion to stay while motion to dismiss is pending.
10/28/2019	Sheehan, Kenneth J.	1.60	750.00	1,200.00	Review proposed schedule prepared by MMT counsel in advance of Rule 26 conference and forward to K. Clement. Teleconference with K. Clement regarding schedule.
11/6/2019	Sheehan, Kenneth J.	0.80	750.00	600.00	SFP34 Review revised proposed schedule from MMT counsel and forward to K. Clement for review and comment.
11/12/2019	Sheehan, Kenneth J.	1.60	750.00	1,200.00	SFP34 Review proposed case schedule forwarded by MMT counsel.
11/12/2019	DeVinney, William T.	1.80	520.00	936.00	SFP34 Revise proposed discovery schedule, create redline.
11/14/2019	Sheehan, Kenneth J.	1.30	750.00	975.00	SFP34 Call with MMT counsel to discuss proposed schedule. Email status update to K. Clement.
11/18/2019	Sheehan, Kenneth J.	0.50	750.00	375.00	SFP34 Review and edit revised proposed schedule.



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Total

11/18/2019	DeVinney, William T.	1.30	520.00	676.00	SFP34 Revise draft scheduling order; compose email to opposing counsel sending same.
11/25/2019	DeVinney, William T.	3.10	520.00	1,612.00	SFP34 Draft and edit letter brief in support of request to stay discovery
11/26/2019	DeVinney, William T.	3.20	520.00	1,664.00	SFP34 Draft and edit letter brief in support of request to stay discovery
11/27/2019	Sheehan, Kenneth J.	0.80	750.00	600.00	SFP34 Review email from MMT counsel Stacey Scrivani regarding filing proposed schedule. Email S. Scrivani regarding consent to motion to have schedule stayed pending decision on rule 12 motion.
12/2/2019	Sheehan, Kenneth J.	1.80	750.00	1,350.00	SFP34 Prepare draft of letter to court regarding submission of proposed schedule, including arguments for dismissal of case.
12/3/2019	DeVinney, William T.	0.70	520.00	364.00	SFP34 Correspond with Mr. Sheehan and opposing counsel regarding scheduling order.
12/4/2019	Sheehan, Kenneth J.	0.60	750.00	450.00	SFP34 Communicate with local counsel regarding plaintiff request for consent to rescheduling hearing date.
12/4/2019	DeVinney, William T.	0.30	520.00	156.00	SFP34 Correspond with opposing counsel regarding disagreement over scheduling order.
12/16/2019	Sheehan, Kenneth J.	1.60	750.00	1,200.00	SFP34 Pull pleadings from prior case for preparation of initial disclosures.
12/17/2019	Sheehan, Kenneth J.	1.40	750.00	1,050.00	SFP34 Call with B. Gigas regarding initial disclosures. Review draft initial disclosures for service on Plaintiff.
12/17/2019	DeVinney, William T.	2.20	520.00	1,144.00	SFP34 Draft and finalize pretrial disclosures; confer with Mr. Shaw and Mr. Sheehan regarding the same.
12/26/2019	Sheehan, Kenneth J.	3.80	750.00	2,850.00	SFP34 Preparation for hearing on motion to dismiss including review of cases cited in briefs and preparing notes for hearing.
12/27/2019	Sheehan, Kenneth J.	5.40	750.00	4,050.00	SFP34 Preparation for hearing on motion to dismiss including review of cases cited in briefs.
12/27/2019	Lee, Sun Yup	3.50	0.00	0.00	SFP34 Print each cases in the table of authorities and file in the folder.
12/31/2019	Sheehan, Kenneth J.	3.50	750.00	2,625.00	SFP34 Preparation for hearing on Rule 12 motion.
	<b>Billed Fees</b>	<b>172.70</b>		<b>97,957.50</b>	
1/3/2020	Sheehan, Kenneth J.	0.40	750.00	300.00	Review settlement proposal from M2T and forward to K. Clement.
1/6/2020	Sheehan, Kenneth J.	4.50	750.00	3,375.00	Preparation for hearing on motion to dismiss including preparation of PowerPoint presentation.
1/8/2020	Lee, Sun Yup	2.70	325.00	877.50	Index cases in the Table of Authorities and make table of cases for quick reference.
1/9/2020	DeVinney, William T.	0.60	520.00	312.00	Confer with Mr. Sheehan about motion to dismiss argument.
1/9/2020	Lee, Sun Yup	6.00	325.00	1,950.00	Shepherdize cases in the Table of Authorities.
1/15/2020	DeVinney, William T.	0.90	520.00	468.00	Confer with Mr. Sheehan regarding motion to dismiss hearing; suggest edits to PowerPoint presentation.

Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Total

1/16/2020	Sheehan, Kenneth J.	5.60	750.00	4,200.00	Final preparation for motion to dismiss hearing including review of briefs, 2007 Settlement Agreement and reviewing cited case law.
1/17/2020	Sheehan, Kenneth J.	3.50	750.00	2,625.00	Meet with K. Clement and J. Shaw in advance of Rule 12(b)(6) hearing and present at hearing.
1/17/2020	DeVinney, William T.	3.90	520.00	2,028.00	Assist Mr. Sheehan in preparing for and attending court hearing on motion to dismiss.
1/20/2020	DeVinney, William T.	3.10	520.00	1,612.00	Research and analyze whether Pennsylvania law permits recovery of attorneys' fees incurred in obtaining attorneys' fees award; draft answer and counterclaim.
1/22/2020	DeVinney, William T.	2.80	520.00	1,456.00	Draft first set of interrogatories for remaining claims.
1/23/2020	DeVinney, William T.	1.90	520.00	988.00	Draft first set of interrogatories to plaintiffs for remaining claims.
1/24/2020	DeVinney, William T.	3.80	520.00	1,976.00	Research and draft answer and counterclaim.
1/26/2020	DeVinney, William T.	2.60	520.00	1,352.00	Research and draft answer and counterclaim.
1/27/2020	Sheehan, Kenneth J.	1.80	750.00	1,350.00	Teleconference with M2T counsel regarding interest in settlement conference. Review and edit draft Answer.
1/27/2020	DeVinney, William T.	4.10	520.00	2,132.00	Research and draft answer, affirmative defenses, and counterclaim.
1/28/2020	Sheehan, Kenneth J.	0.60	750.00	450.00	Call with K. Clement regarding Answer to complaint.
1/28/2020	DeVinney, William T.	4.40	520.00	2,288.00	Research and draft answer, affirmative defenses, and counterclaim.
1/29/2020	DeVinney, William T.	4.10	520.00	2,132.00	Draft answer, affirmative and counterclaim; confer with Mr. Gigas and Mr. Maxon regarding marking of the A245.
	<b>Unbilled Fees</b>	<b>57.30</b>		<b>31,871.50</b>	
	<b>TOTAL</b>	<b>230.00</b>		<b>129,829.00</b>	



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Costs-Total

Cost Index	Work Date	WIP Amount	Narrative
28195197	3/26/2019	86.56	Westlaw Research - 03/26/19 by DEVINNEYWILLIAM
28197632	3/27/2019	126.64	Westlaw Research - 03/27/19 by DEVINNEYWILLIAM
28195039	3/29/2019	133.92	Westlaw Research - 03/29/19 by DEVINNEYWILLIAM
28195143	3/30/2019	25.84	Westlaw Research - 03/30/19 by DEVINNEYWILLIAM
28195298	3/31/2019	11.44	Westlaw Research - 03/31/19 by DEVINNEYWILLIAM
28227005	4/1/2019	111.84	Westlaw Research - 04/01/19 by DEVINNEYWILLIAM
28226978	4/1/2019	65.36	Westlaw Research - 04/01/19 by CHEPERDAKALISON
28213520	4/10/2019	155.00	Other Professional Services (E123) Shaw Keller LLP Email with K. Sheehan regarding 12(b)(6) motion and motion to dismiss; Inv. 6847
28254745	5/7/2019	34.32	Westlaw Research - 05/07/19 by CHEPERDAKALISON
28254678	5/7/2019	14.40	Westlaw Research - 05/07/19 by DEVINNEYWILLIAM
28255223	5/9/2019	42.48	Westlaw Research - 05/09/19 by DEVINNEYWILLIAM
28246354	5/9/2019	2,736.05	Other Professional Services (E123) Shaw Keller LLP Professional services rendered through April 30, 2019; Inv. 6929
28280262	6/12/2019	1,534.90	International Counsel Charges (E123) Shaw Keller LLP Review answering brief; emails to/from client and BH regarding reply brief on motion to dismiss; request for oral argument; prepare and submit redacted versions of reply brief to court and serve on opposing counsel; office disbursements; Inv. 7045
28357103	8/6/2019	88.70	Other Professional Services (E123) Shaw Keller LLP Letter from Baker to plaintiff on alleged false statements; disbursement; Inv. 7168
28400485	10/8/2019	34.32	Westlaw Research - 10/08/19 by DEVINNEYWILLIAM
28388639	10/8/2019	697.50	Other Professional Services (E123) Shaw Keller LLP Review letter; send and receive emails; Inv. 7329
28400596	10/9/2019	34.32	Westlaw Research - 10/09/19 by DEVINNEYWILLIAM
28400942	10/11/2019	31.04	Westlaw Research - 10/11/19 by DEVINNEYWILLIAM
28401163	10/14/2019	22.88	Westlaw Research - 10/14/19 by DEVINNEYWILLIAM
28401338	10/16/2019	69.04	Westlaw Research - 10/16/19 by DEVINNEYWILLIAM
28402561	10/28/2019	11.44	Westlaw Research - 10/28/19 by DEVINNEYWILLIAM
28411831	11/6/2019	1,802.50	Other Professional Services (E123) Shaw Keller LLP Send and receive emails ;teleconferences; review and consider proposed schedule; Inv. 7441
28446014	12/5/2019	1,577.50	Other Professional Services (E123) Shaw Keller LLP Send and receive emails; meet and confer calls; Inv. 7532
28463945	12/19/2019	54.64	Westlaw Research - 12/19/19 by
28462037	12/27/2019	87.12	Lexis Research - 12/27/19 by LEE SUN YUP
		<b>9,589.75</b>	



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
 Defendants' Costs-Total

28466682	1/8/2020	5.40	54 Copies		
28491284	1/8/2020	47.52	Lexis Research - 01/08/20 by 'LEE SUN YUP		
28491300	1/9/2020	7.92	Lexis Research - 01/09/20 by 'LEE SUN YUP		
28492905	1/16/2020	57.20	Westlaw Research - 01/16/20 by LEESUN YUP		
			Other Professional Services (E123) Shaw Keller LLP Send and receive multiple emails;review and analyze court correspondences; teleconferences; order hearing review; review stipulations; review stipulations; update case calendar; Inv. 7637		
28478585	1/16/2020	2,632.50			
		<b>2,750.54</b>			
		<b>12,340.29</b>			

Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Initial Investigation

Work Date	Timekeeper Name	WIP Hours	WIP Rate	WIP Amount	Narrative
3/12/2019	Sheehan, Kenneth J.	1.90	695.00	1,320.50	Review email and pull copy of settlement agreement with MMT. Contact T. Manha regarding inquiry from M. Preston relating to McWhirter patents.
3/13/2019	Sheehan, Kenneth J.	0.70	695.00	486.50	Contact B. Gigas regarding McWhirter patents and arranging call with T. Manha to discuss.
3/19/2019	Sheehan, Kenneth J.	2.40	695.00	1,668.00	Call with K. Clement and T. Manha regarding MMT complaint and possible 12(b)(6) motion. Study complaint and review documents from prior litigation. Prepare email to K. Clement and T. Manha regarding strategy.
3/21/2019	Sheehan, Kenneth J.	2.80	695.00	1,946.00	Call with B. Gigas and T. Manha regarding MMT Complaint and investigation of facts relating to allegations in complaint. Research regarding enforceability of future release language in settlement agreement under Pennsylvania law and trigger for attorneys fees provision. Discussion with W. DeVinney regarding 12(b)(6) motion.
3/21/2019	DeVinney, William T.	2.20	520.00	1,144.00	Review and analyze current M2T Complaint against SPX and settlement agreement from prior action; confer with Mr. Sheehan regarding case strategy and potential grounds for motions to dismiss.
3/22/2019	Sheehan, Kenneth J.	1.80	695.00	1,251.00	Call with K. Clement and T. Manha regarding strategy for response to Complaint by MMT. Discussion with W. DeVinney regarding 12(b)(6) motion.
	<b>Billed Fees</b>	<b>11.80</b>		<b>7,816.00</b>	

Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Motion to Dismiss

Work Date	Timekeeper Name	WIP Hours	WIP Rate	WIP Amount	Narrative
3/22/2019	DeVinney, William T.	1.20	520.00	624.00	Research and outline potential grounds for motion to dismiss M2T complaint; review and analyze pleadings from prior case.
3/25/2019	Sheehan, Kenneth J.	1.70	695.00	1,181.50	Review and edit draft litigation hold letter and forward to K. Clement. Discussion with W. DeVinney regarding Rule 12(b)(6) motion.
3/25/2019	DeVinney, William T.	5.50	520.00	2,860.00	Confer with Mr. Sheehan and Mr. Cheong regarding M2T complaint; research and draft motion to dismiss complaint.
3/26/2019	DeVinney, William T.	6.20	520.00	3,224.00	Research Pennsylvania law regarding contract and settlement agreements; draft fact section of motion to dismiss; outline, and draft argument section regarding motion to dismiss M2T complaint.
3/27/2019	DeVinney, William T.	3.30	520.00	1,716.00	Research, outline, and draft arguments that M2T's claims are precluded by prior settlement agreement.
3/28/2019	DeVinney, William T.	1.20	520.00	624.00	Research, outline, and draft motion to dismiss M2T Complaint.
3/29/2019	Sheehan, Kenneth J.	1.40	695.00	973.00	Meet with W. DeVinney to discuss draft 12(b)(6) motion. Contact local Delaware counsel to coordinate regarding deadline for filing 12(b)(6) motion.
3/29/2019	DeVinney, William T.	4.30	520.00	2,236.00	Research, outline, and draft arguments that M2T's claims are barred by previous settlement agreement; research, outline, and draft arguments that SPX is entitled to attorneys' fees.
3/30/2019	DeVinney, William T.	4.60	520.00	2,392.00	Draft motion to dismiss M2T complaint.
3/31/2019	DeVinney, William T.	2.30	520.00	1,196.00	Draft motion to dismiss M2T's complaint.
4/1/2019	DeVinney, William T.	7.20	520.00	3,744.00	Draft and edit motion to dismiss.
4/1/2019	Cheperdak, Alison M.	3.50	350.00	1,225.00	Research Third Circuit and Delaware state court rulings regarding 12(b)(6) motions to dismiss in which courts considered materials incorporated by reference in pleadings and/or judicially noticed information.
4/1/2019	Cheperdak, Alison M.	1.00	350.00	350.00	Research Third Circuit and Delaware state court rulings regarding attorneys' fees payment provisions in settlement disputes.
4/2/2019	Sheehan, Kenneth J.	1.30	695.00	903.50	Review and edit draft 12(b)(6) motion.
4/2/2019	DeVinney, William T.	6.10	520.00	3,172.00	Draft and edit motion to dismiss.
4/3/2019	Sheehan, Kenneth J.	0.60	695.00	417.00	Further review and edit of draft 12(b)(6) motion and forward to K. Clement and T. Manha for review and comment. Review question from local counsel and prepare response.
4/4/2019	Sheehan, Kenneth J.	0.40	695.00	278.00	Review comments to brief provided by local counsel and discuss with W. DeVinney.
4/5/2019	Sheehan, Kenneth J.	1.40	695.00	973.00	Further edits to 12(b)(6) motion.
4/8/2019	Sheehan, Kenneth J.	1.60	695.00	1,112.00	Review and consider edits to 12(b)(6) motion provided by K. Clement and discuss with W. DeVinney.
4/15/2019	Sheehan, Kenneth J.	0.30	695.00	208.50	Review and edit redacted version of brief for filing.
5/3/2019	Sheehan, Kenneth J.	1.40	695.00	973.00	Review Answering Brief filed by MMT.
5/3/2019	DeVinney, William T.	1.30	520.00	676.00	Review and analyze opposition to motion to dismiss.
5/4/2019	DeVinney, William T.	1.80	520.00	936.00	Review and analyze MMT's brief in opposition to SPX's motion to dismiss; outline reply brief in support of motion to dismiss.



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Motion to Dismiss

5/6/2019	DeVinney, William T.	6.20	520.00	3,224.00	Review and analyze cases cited and arguments made by MMT in its opposition to motion to dismiss; outline reply brief in support of SPX's motion to dismiss; begin drafting reply in support of motion to dismiss.
5/7/2019	DeVinney, William T.	5.90	520.00	3,068.00	Confer with Ms. Cheperdak about research for reply in support of SPX's motion to dismiss.
5/7/2019	Cheperdak, Alison M.	3.50	350.00	1,225.00	Research patent cases discussing releases and covenants not to sue.
5/7/2019	Cheperdak, Alison M.	2.80	350.00	980.00	Research patent cases regarding incorporation by reference.
5/8/2019	Sheehan, Kenneth J.	2.60	695.00	1,807.00	Review and edit draft Reply brief and discuss with W. DeVinney.
5/8/2019	DeVinney, William T.	7.30	520.00	3,796.00	Research, draft, and edit reply in support of SPX motion to dismiss.
5/9/2019	DeVinney, William T.	5.80	520.00	3,016.00	Draft and edit reply in support of SPX's motion to dismiss; prepare motion for filing.
5/10/2019	Sheehan, Kenneth J.	1.20	695.00	834.00	Review and edit draft Reply brief. Review comments from K. Clement and discuss with W. DeVinney.
5/10/2019	DeVinney, William T.	2.60	520.00	1,352.00	Conduct final proof and edit of reply brief in support of motion to dismiss; oversee filing of reply brief in support of motion to dismiss.
5/17/2019	Sheehan, Kenneth J.	1.40	695.00	973.00	Review redactions to Reply brief. Confer with W. DeVinney regarding request for oral argument.
12/26/2019	Sheehan, Kenneth J.	3.80	750.00	2,850.00	SFP34 Preparation for hearing on motion to dismiss including review of cases cited in briefs and preparing notes for hearing.
12/27/2019	Sheehan, Kenneth J.	5.40	750.00	4,050.00	SFP34 Preparation for hearing on motion to dismiss including review of cases cited in briefs.
12/27/2019	Lee, Sun Yup	3.50	0.00	0.00	SFP34 Print each cases in the table of authorities and file in the folder.
12/31/2019	Sheehan, Kenneth J.	3.50	750.00	2,625.00	SFP34 Preparation for hearing on Rule 12 motion.
	<b>Billed Fees</b>	<b>115.10</b>		<b>61,794.50</b>	
1/6/2020	Sheehan, Kenneth J.	4.50	750.00	3,375.00	Preparation for hearing on motion to dismiss including preparation of PowerPoint presentation.
1/8/2020	Lee, Sun Yup	2.70	325.00	877.50	Index cases in the Table of Authorities and make table of cases for quick reference.
1/9/2020	DeVinney, William T.	0.60	520.00	312.00	Confer with Mr. Sheehan about motion to dismiss argument.
1/9/2020	Lee, Sun Yup	6.00	325.00	1,950.00	Shepardize cases in the Table of Authorities.
1/15/2020	DeVinney, William T.	0.90	520.00	468.00	Confer with Mr. Sheehan regarding motion to dismiss hearing; suggest edits to PowerPoint presentation.
1/16/2020	Sheehan, Kenneth J.	5.60	750.00	4,200.00	Final preparation for motion to dismiss hearing including review of briefs, 2007 Settlement Agreement and reviewing cited case law.
1/17/2020	Sheehan, Kenneth J.	3.50	750.00	2,625.00	Meet with K Clement and J. Shaw in advance of Rule 12(b)(6) hearing and present at hearing.
1/17/2020	DeVinney, William T.	3.90	520.00	2,028.00	Assist Mr. Sheehan in preparing for and attending court hearing on motion to dismiss.
	<b>Unbilled Fees</b>	<b>27.70</b>		<b>15,835.50</b>	
	<b>TOTAL</b>	<b>142.80</b>		<b>77,630.00</b>	



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
Defendants' Attorneys' Fees-Rule 26 Conference

Work Date	Timekeeper Name	WIP Hours	WIP Rate	WIP Amount	Narrative
9/20/2019	Sheehan, Kenneth J.	1.60	750.00	1,200.00	Review communication from local counsel regarding MMT request for scheduling Rule 26(f) conference. Review decisions from Delaware court regarding proceeding with discovery while Rule 12 motion is pending. Email K. Clement regarding MMT's request for scheduling of Rule 26(f) conference.
9/24/2019	Sheehan, Kenneth J.	0.80	750.00	600.00	Review email from K. Clement regarding MMT request for Rule 26(f) conference and confer with local counsel regarding same. Contact MMT counsel regarding Rule 26(f) conference.
9/30/2019	Sheehan, Kenneth J.	0.30	750.00	225.00	Confirm availability for Rule 26(f) conference with local counsel and confirm availability to MMT counsel.
10/7/2019	DeVinney, William T.	2.20	520.00	1,144.00	Research requirements to participate in pretrial conference before Court issues Rule 16 order.
10/9/2019	Sheehan, Kenneth J.	0.40	750.00	300.00	Communicate with MMT counsel regarding Rule 26 conference scheduling. Email K. Clement with update.
10/9/2019	DeVinney, William T.	1.10	520.00	572.00	Meet with Mr. Sheehan to prepare for Rule 26 conference; participate in Rule 26 conference.
10/15/2019	Sheehan, Kenneth J.	2.40	750.00	1,800.00	Review revised draft schedule provided by MMT counsel. Contact local counsel regarding revised schedule. Check court docket for estimate on time for ruling on motion.
10/15/2019	DeVinney, William T.	3.10	520.00	1,612.00	Research and draft motion to stay while motion to dismiss is pending.
10/16/2019	DeVinney, William T.	3.40	520.00	1,768.00	Research and draft motion to stay while motion to dismiss is pending.
10/17/2019	Sheehan, Kenneth J.	1.00	750.00	750.00	Participate in initial Rule 26(f) conference.
10/17/2019	DeVinney, William T.	3.70	520.00	1,924.00	Research and draft motion to stay while motion to dismiss is pending.
10/28/2019	Sheehan, Kenneth J.	1.60	750.00	1,200.00	Review proposed schedule prepared by MMT counsel in advance of Rule 26 conference and forward to K. Clement. Teleconference with K. Clement regarding schedule.
11/6/2019	Sheehan, Kenneth J.	0.80	750.00	600.00	SFP34 Review revised proposed schedule from MMT counsel and forward to K. Clement for review and comment.
11/12/2019	Sheehan, Kenneth J.	1.60	750.00	1,200.00	SFP34 Review proposed case schedule forwarded by MMT counsel.
11/12/2019	DeVinney, William T.	1.80	520.00	936.00	SFP34 Revise proposed discovery schedule, create redline.
11/14/2019	Sheehan, Kenneth J.	1.30	750.00	975.00	SFP34 Call with MMT counsel to discuss proposed schedule. Email status update to K. Clement.
11/18/2019	Sheehan, Kenneth J.	0.50	750.00	375.00	SFP34 Review and edit revised proposed schedule.
11/18/2019	DeVinney, William T.	1.30	520.00	676.00	SFP34 Revise draft scheduling order; compose email to opposing counsel sending same.
11/25/2019	DeVinney, William T.	3.10	520.00	1,612.00	SFP34 Draft and edit letter brief in support of request to stay discovery.
11/26/2019	DeVinney, William T.	3.20	520.00	1,664.00	SFP34 Draft and edit letter brief in support of request to stay discovery.
11/27/2019	Sheehan, Kenneth J.	0.80	750.00	600.00	SFP34 Review email from MMT counsel Stacey Scrivani regarding filing proposed schedule. Email S. Scrivani regarding consent to motion to have schedule stayed pending decision on rule 12 motion.
12/2/2019	Sheehan, Kenneth J.	1.80	750.00	1,350.00	SFP34 Prepare draft of letter to court regarding submission of proposed schedule, including arguments for dismissal of case.



Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
 Defendants' Attorneys' Fees-Rule 26 Conference

12/3/2019	DeVinney, William T.	0.70	520.00	364.00	SFP34 Correspond with Mr. Sheehan and opposing counsel regarding scheduling order.
12/4/2019	Sheehan, Kenneth J.	0.60	750.00	450.00	SFP34 Communicate with local counsel regarding plaintiff request for consent to rescheduling hearing date.
12/4/2019	DeVinney, William T.	0.30	520.00	156.00	SFP34 Correspond with opposing counsel regarding disagreement over scheduling order.
	<b>Billed Fees</b>	<b>39.40</b>		<b>24,053.00</b>	

Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
 Defendants' Attorneys' Fees-Drafting Answer

Work Date	Timekeeper Name	WIP Hours	WIP Rate	WIP Amount	Narrative
1/24/2020	DeVinney, William T.	3.80	520.00	1,976.00	Research and draft answer and counterclaim.
1/26/2020	DeVinney, William T.	2.60	520.00	1,352.00	Research and draft answer and counterclaim.
1/27/2020	Sheehan, Kenneth J.	1.80	750.00	1,350.00	Teleconference with M2T counsel regarding interest in settlement conference. Review and edit draft Answer.
1/27/2020	DeVinney, William T.	4.10	520.00	2,132.00	Research and draft answer, affirmative defenses, and counterclaim.
1/28/2020	Sheehan, Kenneth J.	0.60	750.00	450.00	Call with K. Clement regarding Answer to complaint.
1/28/2020	DeVinney, William T.	4.40	520.00	2,288.00	Research and draft answer, affirmative defenses, and counterclaim.
1/29/2020	DeVinney, William T.	4.10	520.00	2,132.00	Draft answer, affirmative and counterclaim; confer with Mr. Gigas and Mr. Maxon regarding marking of the A245.
	<b>Unbilled Fees</b>	<b>21.40</b>		<b>11,680.00</b>	

Mixing & Mass Transfer Technologies, LLC v. SPX Corp., No. 19-529-MN  
 Defendants' Costs-Discovery Requests

Work Date	Timekeeper Name	WIP Hours	WIP Rate	WIP Amount	Narrative
12/16/2019	Sheehan, Kenneth J.	1.60	750.00	1,200.00	SFP34 Pull pleadings from prior case for preparation of initial disclosures.
12/17/2019	Sheehan, Kenneth J.	1.40	750.00	1,050.00	SFP34 Call with B. Gigas regarding initial disclosures. Review draft initial disclosures for service on Plaintiff.
12/17/2019	DeVinney, William T.	2.20	520.00	1,144.00	SFP34 Draft and finalize pretrial disclosures; confer with Mr. Shaw and Mr. Sheehan regarding the same.
1/22/2020	DeVinney, William T.	2.80	520.00	1,456.00	Draft first set of interrogatories for remaining claims.
1/23/2020	DeVinney, William T.	1.90	520.00	988.00	Draft first set of interrogatories to plaintiffs for remaining claims.
	<b>Unbilled Fees</b>	<b>4.70</b>		<b>2,444.00</b>	